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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (S) No. 4060/2007

PETITIONER

C.H. Gedam, 51 years, S/o. K.R. Gedam, AG-1 in O/o. Joint Director, Fisheries, Dept., Raipur (CG).

Versus

RESPONDENTS

- 1) State of Chhattisgarh, through Secretary, Department of Fisheries, Mantralaya, Raipur.
- 2) Smt. Kanaklata Dhrve, AG-1 in O/o. Dy. Director, Fisheries Dept., Durg (CG).

(Writ Petition under Article 226 of the Constitution of India)

SB: Hon'ble Mr. Justice Satish K. Agnihotri

Present: Shri Raja Sharma, counsel for the petitioner.
Shri A.S. Kachhawaha, Govt. Advocate for respondent No.1/State.

ORDER

(Passed on 13th July, 2007)

The petitioner working as Assistant Grade I, in the Office of Joint Director, Fisheries, Department, Raipur, vide order dated 29-6-2007 (Annexure P/1) has been transferred to the Office of Deputy Director, Fisheries, Department, Durg, due to administrative reasons.

- 2) Learned counsel appearing for the petitioner questions the validity of the impugned order dated 29-6-2007 (Annexure P/1) on the ground that this transfer order is bad and unreasonable as the same has been passed in order to accommodate the respondent No.2, who has been transferred from the office of Deputy Director, Fisheries Department, Durg, to the Office of Joint Director, Fisheries Department, Raipur, where the petitioner was working. Learned counsel appearing for the petitioner further submits that it appears that

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her transfer was made on her representation as the remark indicates on her own expenses. There is nothing more than that. Learned counsel further submits that the transfer between the petitioner and the respondent No.2 from the office of Joint Director, Fisheries Department, Raipur to the Office of Dy. Director, Fisheries, Durg, is contrary to the transfer policy. Learned counsel appearing for the petitioner has not specified any clause of the policy which, according to him, has been violated. The self same statement made by learned counsel for the petitioner is not supported by any document except that the order itself indicates that the petitioner was transferred to accommodate the respondent No.2.

3) I have heard learned counsel for the parties, perused the pleadings and documents appended thereto. There is no infirmity, illegality or jurisdictional error in the impugned order. The order is passed in public interest due to administrative exigency.

4) It is well settled principle of law that under Article 227 of the Constitution of India, this Court has jurisdiction of judicial review of the order passed by the Court below, in the event, there is manifest and apparent error on the face of the proceedings based on the grave failure of justice or grave injuries has occasioned thereby. Further, this Court can also entertain the petition in its supervisory jurisdiction if there is perversity, irregularity or illegality in the process of decision, not in the decision itself.

5) As a result and for the aforesaid reasons, this petition is dismissed.

Sd/-
Satish K. Agnihotri
Judge

raju